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February 10, 2004

Richard J. Oparil
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By Fax

Steven J. Miller, Esq.
Goodman Weiss Miller LLP
100 Erieview Plaza, 27th Floor
Cleveland, Ohio 44114-1882

Re: *A.B.B. Sanitec West, Inc., et al. v. Delloiacovo, et al.*
United States District Court, Northern District of Ohio
Case No. 01-02-1598-DCN

Dear Steve:

Attached to your February 2, 2004 brief regarding the ownership of Windsor was an affidavit of Mitchell Miller, Mr. Quinn's counsel. The affidavit clearly disclosed communications to and from Messrs. Miller and Quinn, as well as Mr. Quinn's other counsel, Peter Babos.

The disclosures in that affidavit constitute a waiver of the attorney-client privilege under California law. Section 912(a) of the California Evidence Code provides, in relevant part, that:

[T]he right of any person to claim a privilege provided by Section 954 (lawyer-client privilege) . . . is waived with respect to a communication protected by the privilege if any holder of the privilege, without coercion, has disclosed a significant part of the communication or has consented to disclosure made by anyone. Consent to disclosure is manifested by any statement or other conduct of the holder of the privilege indicating consent to the disclosure, including failure to claim the privilege in any proceeding in which the holder has the legal standing and opportunity to claim the privilege.

Moreover, the waiver extends to the subject matter of the disclosed communications, *i.e.*, Windsor. *See, e.g., Aclara Biosciences, Inc. v. Caliper Techs. Corp.*, 2000 U.S. Dist. Lexis

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February 10, 2004

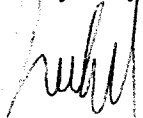
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10585 (N.D. Cal. June 16, 2000) ("It is well established that voluntary disclosure of the content of an attorney-client communication waives attorney-client privilege as to all other communications on the same subject matter.").

Please immediately provide me with all documents between or among Messrs. Quinn, Miller and Babos reflecting or relating to communications involving Windsor.

Please call me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard J. Oparil", written over a horizontal line.

Richard J. Oparil

#3752935

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